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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,827	01/03/2002	Dean A. Seifert	FDC 0167 PUS	6573

22045 7590 02/27/2003

BROOKS & KUSHMAN
1000 TOWN CENTER 22ND FL
SOUTHFIELD, MI 48075

EXAMINER

FULTS, RICHARD C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,827

Applicant(s)

SEIFERT ET AL.

Examiner

Richard Fults

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Earney Stoutenburg et al (US 6,488,203 B1) (hereinafter First), dated 1999, further in view of Marcous (US 5,650,604 A) (hereinafter Marcous) dated 1997.

First discloses (see at least columns 1-14 but in particular columns 1-4) a method of transferring money between a sender and a recipient which includes the receipt of identifying information provided by the recipient, comparing that information with transaction information data stored on a host computer, providing a code if the identifying information matches the information stored on the computer of the sender, storing the code on the computer, receiving the code information at the host computer from a dispensing terminal, comparing the code information with the code stored on the host computer, allowing funds to be dispensed by the dispensing terminal if the code is verified, with the code including a number or a letter or a symbol or an image, the host computer providing the code to a receive-transaction initiating device which can be a personal computer or a telephone (electronic transaction fulfillment device), providing the code through a telephone operator (employee of a financial services institution), providing a code to the recipient if the identification information matches the data stored on the host computer, storing that code on that computer, receiving at the host computer the identification information from the dispensing terminal, comparing that identification information to that same data stored on the host computer, allowing funds

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to be dispensed by the dispensing terminal if the identification information matches, with the identification information containing a number or a letter or a symbol or an image, storing transaction data (amount of money to be transferred) on a host computer, receiving at the host computer transaction identification information provided by the recipient from a receive-transaction initiating terminal, comparing that information with the same data stored on the host computer, the host computer providing identification information and a code to the receive-transaction terminal for the recipient if the transaction identification information matches the data on the host computer, storing the identification information and the code on the host computer, receiving at the host computer data matching the identification information and the code from a dispensing terminal, comparing that information between the two systems, and authorizing funds to be dispensed by the dispensing terminal if there is a match in the latter information between the two systems.

Because it is a common and well known practice of long standing, and as noted by First in column 4, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a name and or a birth date or a social security number for the transaction identification (identifying) information or number provided by the recipient to be stored on the host computer for later matching with the dispensing terminal or receive-transaction initiating device (electronic transaction fulfillment device), as well as a possible cumulative sequence number of the transactions between the two parties or at least a date of the transaction and possibly a time of day. It is also obvious and common to use a wide variety of numbers, letters, symbols, images, etc. as part of a security code. It is also obvious and common for funds involved in a money transfer to be dispensed only in part if that is the agreement between the parties.

First does not elaborate on the use of an ATM. However, Marcous teaches (see at least columns 1-16 but in particular columns 1-4) the use of an ATM as a receiving terminal, as well as teaching most of the other features claimed by the applicant in claims 1-20.

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2. Note is taken by the examiner that should the applicant find objectionable any statements made herein by the examiner regarding inherency, implicitness, obviousness, or Official Notice, Applicant can make a proper challenge to those statements only by providing adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying those statements: a simple response requesting a reference without doing so, or a response that fails to logically refute the basic assumptions underlying the justification, will result in an improper and failed challenge and those unchallenged statements will remain the record of the case. Applicants must seasonably challenge those statements in the first response following an Office Action. If an applicant fails to do so, his right to challenge them is waived.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



RCF

2/21/2003



For

Hyung-Sub Sough
Primary Examiner